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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/773,452	01/31/2001	Timothy D. Neveu	37090-6033	8034

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EXAMINER

WHITE, CARMEN D

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 06/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/773,452

Applicant(s)

NEVEU ET AL.

Examiner

Carmen D. White

Art Unit

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 March 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-63 is/are pending in the application.
- 4a) Of the above claim(s) 15-21, 36-42 and 57-63 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14, 22-35 and 43-56 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2, 5, 7. 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Election***

Applicant's election of Group I (claims 1-14, 22-35 and 43-56) in Paper No. 10 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

***Claim Rejections - 35 USC § 102***

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 9, 22-25, 30, 43-46 and 51 are rejected under 35 U.S.C. 102(e) as being anticipated by **Matsuno** (6,409,604).

Regarding claims 1-3, 9, 22-24, 30, 43-45 and 51, Matsuno teaches a computer readable program and method of designating candidate objects with respect to an initial object in a virtual environment of an information processing system that comprises displaying one or more candidate objects on a display screen; displaying a candidate range indicator on the display screen in response to actuation of a candidate input interface on an input device, the candidate range indicator comprising a visual indication of a candidate range for the initial object; displaying a visual indication in association with a first candidate object in response to the first candidate object intersecting at least a portion of the candidate range indicator on the display screen, the visual indication being associated with a first designation input interface on the input device; and causing

a predetermined action from the initial object with respect to the candidate object in response to actuation of the first designation input interface (abstract; Fig. 5; Fig. 21; col. 1, lines 65-67; col. 2, lines 1-12, lines 24-30, lines 53-55 and lines 65-67; Fig. 24).

Regarding claims 4, 25, and 46, Matsuno teaches all the elements of the claims. Matsuno further teaches that the size of the bounded area is a function of the weapon with which the player object is equipped (col. 13, lines 44-47 and col. 14, lines 6-11).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-6, 26-27 and 47-48 are rejected under 35 U.S.C. 103(a) as being unpatentable over ***Matsuno*** (6,409,604).

Regarding claims 5-6, 26-27 and 47-48, Matsuno teaches all the limitations of the claim as discussed above. While Matsuno teaches the use of an input device, Matsuno is silent regarding that input device being a joystick. The examiner takes official notice that it is well known in the art to use joysticks as input devices. Further, it is well known to have a neutral position (no input, where characters remain still) and non-neutral (input, where characters are moved in various directions in XYZ plane) for joystick input devices. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include a joystick as the input device in Matsuno to make it easier for

Art Unit: 3714

the player to quickly manipulate the device, thereby increasing the accuracy of the input.

Claims 7-8, 10-14, 28-29, 31-35, 49-50 and 52-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Matsuno** (6,409,604) in view of **Ohnuma** et al (6,375,571).

Regarding claims 7-8, 13-14, 28-29, Matsuno teaches all the limitations of the claims as discussed above. Matsuno is silent regarding the feature of displaying an attack icon that is associated with an input interface on an input device. In an analogous gaming system, Ohnuma teaches an icon on the display that is associated with an input interface on an input device (col. 2, lines 25-33; Fig. 10, #204). It would have been obvious to a person of ordinary skill in the art at the time of the invention to include the icon of Ohnuma in the display of Matsuno in order to assist the player in using the button that gives the most appropriate input for attacking the enemy character (such as kick, jump, etc.) in order to increase the chances of the players success against the enemy character.

Regarding claims 10-12, 31-35, 49-50 and 52-56, Matsuno and Ohnuma teach the limitations of the claims as discussed above. The references are silent regarding the explicit teaching of the player object attacking the enemy character while facing away from the enemy character. However, the examiner takes official notice that it is well known in the art to have characters facing in various directions, depending on the particular programming of the video game. It would have been obvious to a person of ordinary skill in the art at the time of the invention to include this feature in Matsuno and

Ohnuma in order to enhance the video graphics of the gaming system, thereby making the game more attractive to players.

***Pertinent Prior Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Matsuno ('273), Yamada et al, Komoto, Kawai et al, Ito and Yamauchi et al teach similar attack games.


***USPTO Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carmen D. White whose telephone number is 703-308-5275. The examiner can normally be reached on Monday through Friday, 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Hughes can be reached on 703-308-1806. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-7768 for ***Non-official*** communications and 703-305-3579 for ***Official*** communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1078.

  
cdw

  
S. THOMAS HUGHES  
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